

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARK DAVID BAILEY,

Petitioner,

Case No.: 1:09-cv-460

v.

Honorable Paul L. Maloney

BLAINE C. LAFLER,

Respondent.

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**ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by United States Magistrate Judge Joseph G. Scoville in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation (Dkt. #49) is hereby adopted as the opinion of the Court.

**THEREFORE, IT IS ORDERED** that the Petitioner's motion for leave to amend his petition (Dkt. #43) is **GRANTED**.

**IT IS FURTHER ORDERED** the Petitioner shall file a motion for post-judgment relief under Mich.Ct.R.6.500 in the Mecosta County Circuit Court within thirty (30) days of this Order.

**IT IS FURTHER ORDERED** that Petitioner's action is hereby stayed to allow Petitioner an opportunity to exhaust his *Brady* claim in the state courts and until Petitioner files a motion to reopen this habeas corpus matter. Such motion must be filed not later than thirty (30) days after a final decision by the Michigan Supreme Court on Petitioner's unexhausted claims.

**IT IS FURTHER ORDERED** that if Petitioner fails to comply with the deadlines imposed in this Order, the Court may dismiss the petition without prejudice.

**IT IS FURTHER ORDERED** that this case shall be administratively closed until such time as Petitioner files a motion to reopen it in accordance with the procedures set forth in this Order.

Dated: October 22, 2010

/s/ Paul L. Maloney

Paul L. Maloney

Chief United States District Judge